

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LUXEYARD, INC.,

Plaintiff,

vs.

KAY HOLDINGS, INC., SANO HOLDINGS,
INC., and ROBERT WHEAT,

Defendants.

3:15-cv-00357-LRH-WGC

ORDER

re: ECF No. 29

Before the court is Plaintiff's Motion to Authorize Substitute or Alternate Service. (ECF No. 29.)¹ Plaintiff has demonstrated it has been unable to effect personal service upon Defendant Wheat. Plaintiff seeks leave to effect service on Defendant Wheat at his place of business or by mailing it to Wheat at the corporate offices of Defendant Kay Holdings and/or Sano Holdings.

Fed. R. Civ. P. 4(e) provides the procedure for effecting service upon an individual within a judicial district of the United States. Generally, those modes of service are personally serving the defendant, serving a competent individual at the defendant's residence or by following state law for service.²

Rule 4(e) does not provide for service upon a defendant at his or her place of business as Plaintiff proposes. Nor does it appear that either Nevada or California state law countenances this approach, i.e., mailing a summons to an individual or leaving a copy at his or her place of business.

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¹ Refers to court's docket number.

² That is, either the law of the state where the court is located, i.e., Nevada, or the law of the state where the person upon whom services is sought to be effected is believed to reside, i.e., California.


1 Theoretically, the Plaintiff can attempt to effect service upon Defendant Wheat in the fashion
2 Plaintiff has proposed and see if Defendant responds, but barring submission of legal authorities which
3 would convince this court Plaintiff may effect service in this fashion, the court is not in a position to
4 authorize service in the manner proposed by Plaintiff.

5 Last, the court declines Plaintiff's invitation to "direct" an alternative mode of service. (ECF No.
6 29 at 2.) If Plaintiff desires to seek leave to effect service by other means authorized by federal or
7 Nevada state law, e.g., service by publication, Plaintiff will have to file a motion to seek leave to effect
8 service by alternative means.

9 Plaintiff's motion (ECF No. 29) is **DENIED WITHOUT PREJUDICE.**

10 **IT IS SO ORDERED.**

11 DATED: October 8, 2015.

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13 WILLIAM G. COBB
14 UNITED STATES MAGISTRATE JUDGE
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